



Town Council Meeting Minutes

Thursday, July 17, 2014, at 7:00 PM, in the Matthew Thornton Room



Chairman Harrington called the meeting of the Town Council to order at 7:00 p.m. Present at the meeting were Vice Chairman Mahon, Councilor Boyd, Councilor Dwyer, Councilor Koenig, Town Manager Eileen Cabanel, and Finance Director Paul Micali. Councilor Rothhaus was excused.

Pledge of Allegiance

Chairman Harrington led in the Pledge of Allegiance.

Announcements

The Town Council has amended its meeting schedule for the month of August. Regular meetings of the Town Council will be held on Thursday August 21, 2014, September 11, 2014, and September 25, 2014 at 7:00 p.m. in the Matthew Thornton Room.

Comments from the Press and Public - None

Recognitions, Resignations and Retirements

1. Recognition of Town Committee Member

Submitted by Town Council Chairman Nancy Harrington and Vice Chair Tom Mahon

The Town Council will present a certificate to the following individual for service to the Town of Merrimack:

- Marc Casseres, Economic Development Citizens Advisory Committee

As Mr. Casseres was not in attendance, Chairman Harrington noted he will be provided with a certificate in recognition and appreciation of his service to the Town of Merrimack as a member of the Economic Development Citizens Advisory Committee.

Appointments - None

Public Hearing - None

Legislative Updates from State Representatives - None

Town Manager's Report

Eagle Scout Benjamin Parker has completed constructing an observation deck overlooking a beaver pond in Grater Woods, which was approved at the April 17th Town Council meeting. Building Official Fred Kelley stated that it is soundly constructed and is positioned well, so as to not encumber the trail, and add a respite spot for folks to bird watch or rest and enjoy the view.

The Library would like to thank their Seismograph Benefactors who attended Tuesday's Ribbon Cutting Event with Dr. Alan Kafka, Director of the Weston Observatory.

1 The next Household Hazardous Waste Collection will be held at the Nashua Public Works Garage, at 9
2 Stadium Drive, in Nashua on Saturday August 2, 2014 from 8:00 a.m. to noon. There is a \$10 fee per
3 vehicle and this covers 10 gallons or 20 pounds of material. Additional information is available on the
4 front page link of the Merrimack Town website or by calling the Merrimack Transfer Station at 424-
5 2604.

6
7 The annual line striping of the Town's main roads will start in the next two weeks, weather dependent.

8
9 On July 1, 2014, the Wastewater Treatment Facility staff achieved a record 5 years of no lost time due to
10 accidents. Staff celebrated this accomplishment with a special luncheon held yesterday at the
11 Wastewater Treatment Facility. Congratulations.

12
13 **Consent Agenda** - None

14
15 **Old Business** – None

16
17 **New Business**

18 **1. Deliberation to Fill the Town Council Vacancy**

19 *Submitted by Town Council Chairman Nancy Harrington and Vice Chair Tom Mahon*

20 The Town Council to deliberate and elect the individual to fill the vacancy on the Town Council
21 until the April 2015 election, pursuant to Charter Article 4-5.

22
23 Chairman Harrington stated candidates would be introduced alphabetically. Each candidate would be
24 provided two minutes to introduce him/herself to the public and say a few words.

25
26 Chairman Harrington noted interviews have already taken place, and the Council has agreed to the
27 following procedure:

- 28
29 - At the conclusion of introductions, the Chair will open the floor for discussion.
30 - At the conclusion of discussion, a roll call vote will be conducted.
31 - The candidate receiving a majority of votes (3) will be declared the appointed candidate.
32 - In the event votes end in 2-2-1, another roll call vote will be conducted for those candidates.
33 - Once a decision has been made, the appointed candidate will be sworn in and seated for the
34 remainder of the meeting.

35
36 **Bob L'Heureux**

37
38 During the past 46 some odd years in Merrimack he has served on the School Board, as a Selectman,
39 State Representative for 20 years, and associated directly/indirectly with every Town agency, e.g.,
40 Highway Department, Police Department, ambulance personnel, etc. He stated his background to be
41 extensive as far as the overall operation of the Town and knowledge of the function(s) of each
42 department.

43
44 He commented the reason he applied for the position is because it is a one time, short-term position that
45 has to be filled. He stated it is not his intent to run for the position in April. He only desires to be
46 available to the Council and the Town to help during this 10-month period. He spoke of his knowledge,
47 experience, and willingness to serve in this capacity.

1 Lenette Peterson

2
3 Remarked five years ago she made the decision not to sit back and let others call the shots. As a virtual
4 unknown in Merrimack she made the decision to run for State Representative. She had to get her name
5 out and convince people to vote for her. At that point, she had never served on a board or council and
6 lacked experience; however, she did not lack the drive.

7
8 She served Merrimack for four years to the best of her ability serving on the demanding Judiciary
9 Committee and two years as the Clerk of the Judiciary Committee. Ms. Peterson noted in her four years
10 as a State Representative she has never voted to raise a tax or a fee.

11
12 She stated she is a hard working individual, and a fast learner. Her work ethic is not something she
13 takes lightly. She gives 110% no matter the task. It is her character and integrity that is on the line, and
14 she does not compromise. She remarked she does not claim to know the ins and outs of Merrimack nor
15 does she totally understand all that the budget entails, but she will not compromise Merrimack residents,
16 their tax dollars, or their quality of life. She stated her belief she is the best candidate for the position,
17 and asked for the vote of the Council and the opportunity to prove that they made the right decision.

18
19 Lon Woods

20
21 Has been a resident of Merrimack for 45 years. He and his wife have raised two children in the
22 community, and have remained enthusiastic about it as a place to live. He spoke of his desire to fill the
23 vacant seat on the Town Council from the well spring of membership on committees and commission he
24 has had the privilege of serving on. He remarked through terms on the School Board, the Municipal
25 Budget Committee, the Charter Commission, and the Merrimack Village District he has demonstrated a
26 commitment to the continued wellbeing of the Town. He offers a proven track record of effectiveness,
27 and a continuing interest in working to assure that Merrimack continues to grow as the vibrant
28 community he believes it to be.

29 Chairman Harrington thanked all of the candidates noting they have all provided services to the Town of
30 Merrimack in different capacities, and have demonstrated a commitment to the Town and its citizenry.

31
32 Councilor Koenig commented on having very good candidates and only one position to fill. He stated
33 his appreciation for the applicants coming forward for consideration, and remarked any one of them
34 could do a good job. He stated he would be promoting Lon Woods for the position. Councilor Koenig
35 remarked Mr. Woods has served the community extremely well, has a great manner and ability to
36 communicate with people at a level that meets whatever the expectations/requirements are. He stated
37 his belief Mr. Woods would complement the Council; has the history and Charter experience the
38 Council has always drawn on as well as the ability to understand and analyze issues to come to a solid
39 explanation of his thoughts and direction.

40
41 Councilor Dwyer stated his support for Lenette Peterson. As was stated previously the main point of his
42 decision being her participation in the recent election. He spoke of her receiving nearly 1,000 votes,
43 which was within 100 votes of the candidates who prevailed. Councilor Dwyer remarked over the past
44 couple of years the Council has been seeking volunteers in Town to step forward to serve on the
45 different boards, committees, etc., and have expressed a desire for new blood. He stated Ms. Peterson
46 represents that new blood.

47
48 He spoke of the quality of candidates before the Council for consideration, and how fortunate the
49 community is to have such individuals willing to volunteer their time and effort.

1 Councilor Boyd echoed the remarks made around the quality of candidates. He commented, with all
2 due respect, you could utilize Councilor Koenig's comments regarding Mr. Woods to describe Mr.
3 L'Heureux's service to the Town. He remarked in evaluating the candidates over the past few days,
4 what struck him was Mr. L'Heureux's statement he would serve through April and no longer. He stated
5 his view of the individual succeeding Councilor Yakuboff as a caretaker's position, and noted his desire
6 for the individual to pick up where Councilor Yakuboff was, help the Council get to April, and allow the
7 voters to vet a candidate to complete the term.

8
9 Vice Chairman Mahon expressed his gratitude to those who stepped forward to be considered for the
10 position.

11
12 *A Viva Voce Roll Call vote was taken, which resulted as follows:*

13
14 Councilor Boyd: Bob L'Heureux
15 Councilor Dwyer: Lenette Peterson
16 Councilor Harrington: Lon Woods
17 Councilor Koenig: Lon Woods
18 Councilor Mahon: Lon Woods

19
20 **MOTION made by Councilor Boyd and seconded by Councilor Mahon that the vote be made**
21 **unanimous in the name of Lon Woods. MOTION CARRIED 5-0-0**

22
23 *Oath of Office administered by Chairman Harrington to Lon Woods.*

24
25 **2. Exit 12 Northbound Off and Southbound On Ramp Toll Plaza Removal**

26 *Submitted by NH DOT – Bureau of Turnpikes Assistant Administrator David Smith*

27 Senate Bill 367 (2014 Session) requires the elimination of the Exit 12 ramp tolls on the F.E. Everett
28 Turnpike. The elimination of the ramp tolls will be addressed in a two-phase operation. First phase
29 will discontinue toll collection operations on July 18, 2014. Second phase of the project consists of
30 the removal of the toll plaza structures and shutdown of the building facilities/tunnel.

31
32 Mr. Christopher Waszczuk, Administrator, Bureau of Turnpikes, New Hampshire Department of
33 Transportation (NHDOT), stated Senate Bill 367 was passed by the Legislature and signed by the
34 Governor. The Bill in essence removed the Exit 12 tolls. House Bill 2014 (Ten-Year Plan) has not yet
35 been signed; however, includes the project to remove the toll plaza.

36
37 Mr. David Smith, Assistant Administrator, Bureau of Turnpikes, NHDOT, spoke of the discontinuance
38 of toll operations and the toll plaza removal at Exit 12 in Merrimack.

39
40 A two-phase operation has been implemented to discontinue the tolls at Exit 12. Signs have been placed
41 on the ramp informing motorists tolls will be discontinued on July 18th at 9:00 p.m. What will be seen
42 beginning mid-day on the 18th is removal of signage along the F.E. Everett Turnpike, closure of one of
43 the lanes during the day to remove some of the toll collection equipment and the plaza itself, and later on
44 in the evening a shifting of traffic to lane 1, which is the far right lane (widest of the three).

45
46 After traffic is pushed through lane 1, the toll collection equipment in lanes 2 and 3 will be removed.
47 What will remain for approximately a 2-month period will be tubular delineators; yellow on the left side
48 of the traffic off the ramp to direct traffic through that right side lane. That will remain until the plazas
49 themselves can be removed.

1 A contract has been put out to bid for the removal of the plazas (due August 7, 2014); northbound off-
2 ramp and southbound on-ramp and decommissioning of the building. With regard to the canopy, the
3 roof will come down and the supports and islands will be removed. The concrete pads will be
4 rehabilitated. The open areas utilized to access the toll areas from a tunnel below as well as the stairway
5 used to access up from the tunnel will be filled in with concrete. The concrete pads will be paved over.
6

7 The building will be discontinued. In doing so, they envision a two-phase traffic control operation.
8 Traffic would remain in its current layout on the right side while work is conducted on the left side
9 (behind concrete barriers). Once the median side plazas (lanes 2 and 3) are removed, traffic will be
10 pushed to the median side and the remainder of the facilities will be removed.

11
12 There won't be much effort seen as far as construction operations on the buildings themselves. They
13 will be shut down, secure, will have video surveillance, and a gate will be installed at the parking lot.
14 Lights will be kept on in the parking lot. Targeted project completion date is December 12, 2014.
15

16 Vice Chairman Mahon thanked Messrs. Waszczuk and Smith for the briefing they provided a few days
17 earlier and their presentation. He recognized Mr. L'Heureux acknowledging as a State Representative
18 he was an instigator of the process back in the '90s. He took a lead on this and did a lot of the initial
19 work that was done in trying to bring something like this to fruition. Vice Chairman Mahon spoke of his
20 gratitude for the project taking place, and providing residents with a clear picture of what will take place
21 in the area. Chairman Harrington expressed gratitude for the efforts of Senator Bragdon.
22

23 Councilor Koenig commented on the length of time for the removal of the plazas. He stated his
24 understanding the project has to be put out to bid. Bids aren't due back until the first week of August
25 after which there is a period of time during which the Bureau of Turnpikes has for review. It appears the
26 17th of September is the earliest the bids can be before the Executive Council and Governor for
27 approval.
28

29 Mr. Smith noted a preconstruction meeting would be conducted and would include participation by
30 emergency services personnel. The goal of that meeting is to brief the Town relative to the start of
31 construction, provide a firm date on when it will occur, and how it will progress. That type of meeting
32 typically occurs at a job trailer.
33

34 Bob L'Heureux

35

36 Congratulated the Council and remarked they placed an excellent candidate into office. He
37 congratulated Mr. Woods on his appointment.
38

39 Mr. L'Heureux questioned why the two structures would be maintained if discontinuing the plaza. Mr.
40 Smith responded, in essence, the buildings are functional. When asked what function they would serve,
41 he remarked they could be used for office space, etc. He spoke of a project for widening the F.E.
42 Everett Turnpike, which is in the new Ten-Year Plan, and the possibility of utilizing a structure as a
43 construction trailer. When asked if two structures would be needed, Mr. Waszczuk commented there
44 would be an additional cost associated with the removal. Mr. L'Heureux spoke of two structures left
45 remaining, which would be under security, etc., and the fact there will be a cost associated with
46 maintaining the buildings. That cost will be derived from tolls. He suggested one of the structures be
47 removed.
48

1 Mr. Waszczuk stated that would be taken under advisement, and noted what was presented was not the
2 final configuration of the ramps. The ramps will ultimately need to be realigned to a typical width
3 (narrowed). He remarked that will probably be done as part of the overall F.E. Everett widening project,
4 which is currently slated in the Ten-Year Plan for 2022. At that time, they may assess the two building
5 situation and may remove one or both if it is believed worthwhile.
6

7 Councilor Dwyer commented over a year ago some of the costs discussed were in the area of \$1.2 or
8 \$1.3 million. He stated his belief the reason the total cost for the project is estimated now in the area of
9 \$568,000 is because the buildings will remain. The price increased with discussions of removal of the
10 site, deconstructing the associated parking lots, etc.
11

12 Mr. Smith stated that to be correct and remarked they took a minimalistic approach to the
13 discontinuance and removal of the facilities. Mr. Waszczuk noted the original cost was identified as
14 \$1.6 million for both locations. It was to realign curbing, drainage, etc., and remove the excess
15 pavement. That was felt to be too steep of a cost for this project at this time. The intent of the
16 Legislators was for this reduced scope of work approach. The final product will be addressed as part of
17 the overall F.E. Everett widening project in the future. Vice Chairman Mahon commented this is a
18 reduction in revenue for the turnpike system of over \$600,000 per year. That played a role in deciding
19 how much would be expended on realigning the lanes and exits.
20

21 **3. Clarification of the Appointment Policy for Boards, Committees and Commissions**

22 *Submitted by Town Council Chairman Nancy Harrington and Vice Chair Tom Mahon*

23 The Town Council to discuss and clarify the current Appointment Policy for Boards, Committees
24 and Commissions specifically concerning the interview process for membership on the Conservation
25 Commission, Planning Board and Zoning Board of Adjustment.
26

27 Chairman Harrington noted a question came up recently around interviews for re-appointments and
28 confusion that resulted relative to the land use committees and the Conservation Commission, e.g.,
29 whether, under the present policy, they are not required to conduct interviews; that the Appointment
30 Committee would be able to make the decision whether or not the particular individual needs to be
31 interviewed. She stated she has been informed that was not the intent when the policy was written.
32

33 Chairman Harrington suggested the policy be amended, under Section III A to read as follows:
34

- 35 1. Appointment interviews are conducted in a public meeting in accord with this policy and RSA 91-A.
36 Any resident interested in serving on a Committee for the first time must be interviewed by the
37 Appointment Committee for that Committee.
- 38 2. Appointment interviews will be conducted for all members of the Merrimack Conservation
39 Commission, Planning Board and Zoning Board of Adjustment.
- 40 3. For the remaining committees, at the discretion of the Appointment Committee, full members
41 seeking re-appointment, or alternate members seeking re-appointment as an alternate or appointment
42 as full members may not be required to interview. However, if multiple candidates present
43 themselves and exceed the number of positions available, then, the Town Council may conduct
44 interviews to identify the best applicant(s) for the position.
45

46 **MOTION made by Councilor Boyd and seconded by Councilor Mahon to amend as stated**
47 **ON THE QUESTION**
48

1 Councilor Dwyer suggested an explanation be provided for the viewing audience. Vice Chairman
2 Mahon explained the Conservation Commission, Planning Board, and Zoning Board of Adjustment are
3 termed quasi-judicial as they have authority, by Statute, to deal with certain issues and by the fact, once
4 appointed, the Council has very little say or control over how they operate as long as they stay within the
5 confines of their charge under State Statute. Because of the impact their actions have on residents and
6 property owners, it is believed important for applicants to those positions be interviewed.

7 **MOTION CARRIED 6-0-0**

8
9 **4. Request for Trust Expenditure for Milfoil Control at Naticook Lake**

10 *Submitted by Community Development Assistant Planner Donna Pohli*

11 To ask the Town Council to accept and authorize the expenditure of up to \$5,400 for milfoil control
12 via Diver Assisted Suction Harvesting at Naticook Lake and to ask that it be expended from the
13 Milfoil Expendable Trust Fund.

14
15 Timothy Thompson, Director, Community Development, spoke of coming before the Council at its
16 March 27, 2014 meeting along with Donna Pohli, Assistant Planner, Community Development, and
17 Amy Smagula, Limnologist/Exotic Species Program Coordinator, NHDES, to go through the process of
18 gaining approval for the State grants for Milfoil control on both Horseshoe Pond and Naticook Lake. As
19 part of that process, sufficient funds for all of the associated work was not available in the Naticook
20 Lake Fund for the fiscal year that just completed.

21
22 Following the adoption and support of the voters in April of the Milfoil Trust Fund, monies are now
23 available from that to apply to the diver assisted harvesting on Naticook Lake. The request before the
24 Council was to authorize the expenditure from the Milfoil Trust Fund for that work.

25
26 **MOTION made by Councilor Mahon and seconded by Councilor Boyd to accept and authorize**
27 **the expenditure of up to \$5,400 for Diver Assisted Suction Harvesting to take place this summer at**
28 **Naticook Lake from the Milfoil Expendable Trust Fund, and furthermore authorize the Town**
29 **Manager or her designee to execute any documents which may be necessary for these contracts**
30 **with AB Aquatics, Inc.**

31
32 **ON THE QUESTION**

33
34 Councilor Dwyer commented he does not believe a public meeting has been conducted since the 4th of
35 July when the boat ramp was temporarily closed. He requested Director Thompson notify the public of
36 what occurred and provide the Council and viewing audience with an update.

37
38 Director Thompson responded the residents that are part of the Naticook Lake Association had
39 discovered additional Milfoil blooms within the lake and notified the Town and the New Hampshire
40 Department of Environmental Services (NHDES). As a result the Finance Director, acting in the
41 absence of the Town Manager, authorized the closure of the boat ramp to minimize any exasperation of
42 that by boats entering, chopping up the Milfoil, and creating new blooms. The divers have been out to
43 perform the work of suction harvesting. From all accounts they were very successful and were able to
44 get all of the areas marked out by those who have been very diligent and extraordinarily helpful to the
45 Town in doing the monitoring of the lake.

46
47 Councilor Dwyer noted the Milfoil was discovered in the vicinity of the boat launch itself, which is why
48 the launch was closed. The infestation had re-occurred in the worst possible spot. The boat launch has
49 been re-opened.

1 **MOTION CARRIED 6-0-0**

2
3 **5. Consideration of Proposed Zoning Ordinance Amendments [First Reading]**

4 *Submitted by Community Development Director Tim Thompson*

5 The Town Council to consider the Planning Board's proposed recommended amendments to the
6 Zoning Ordinance (Sections 1.03, 2.02.3 & 2.02.4(B)) regarding Self-Storage Facilities, pursuant to
7 RSA 675:2 and Charter Article 5. If approved, this will be moved to a public hearing at the August
8 21, 2014 Council meeting.

9
10 Director Thompson informed the Council last December, through an action of the Zoning Board of
11 Adjustment (ZBA), the property now known as Vault Motor Storage, previously the Zyla's property,
12 was granted an Appeal of Administrative Decision, which overturned the former Zoning Administrator's
13 decision that self-storage facilities were classified as warehouse uses under a zoning ordinance, and,
14 therefore, only permitted in the Industrial District.

15
16 As a result of that decision, the ZBA has essentially reclassified self-storage facilities as personal service
17 uses, which are permitted in the Commercial District, but not in the Industrial District. Given the fact
18 there are several existing self-storage facilities already located in the Industrial District, this decision has
19 effectively rendered all of those facilities now non-conforming in relation to zoning.

20
21 The Planning Board directed him and his staff to examine the Zoning Ordinance to try to address the
22 situation. What the Board and staff have recommended are amendments to three sections of the Zoning
23 Ordinance. The first, Section 1.03, would be the addition of a definition of a self-storage facility to
24 create that as a specific use within the Ordinance. That also then requires renumbering the remainder of
25 the definitions in that section, in Section 2.02.3, adding a new sub-section, which would allow for self-
26 storage facilities in the Commercial II District by Conditional Use Permit, which allows the Planning
27 Board an extra level of scrutiny to those types of uses within the Commercial District as typically a self-
28 storage facility is not the highest and best use you could use in a Commercial District, and in Section
29 2.02.4(B), to insert self-storage facilities as a permitted use in the Industrial District.

30
31 By the amendments the issue of the existing facilities being non-conforming ends, which could have
32 been problematic if they ever wanted to refinance their properties or expand in any way, and also sets up
33 a mechanism that the Planning Board can utilize in the future should there be a request for Commercial
34 District. In doing so, those Conditional Use criteria are very specific; for a self-storage facility to be
35 located in the Commercial District there are several criteria including architectural design and things of
36 that nature to ensure they are compatible with the Commercial District standards rather than being an
37 industrial building just lopped into a Commercial District.

38
39 Councilor Boyd questioned whether the definition of personal service use is utilized by other
40 municipalities within the State, and why personal service use as opposed to simply identifying it as self-
41 storage. Mr. Thompson responded, in the ZBA's deliberation on the Appeal of Administrative Decision,
42 they had to identify a use that was in the Ordinance to classify self-storage as because the argument the
43 petitioner was making was that it is not an industrial warehouse use it is more akin to a personal service.
44 That was the case they made to the ZBA. The ZBA, in their decision, agreed with that, and then by
45 doing so has essentially classified these self-storage facilities as personal service uses.

46
47 He commented there were two applications before the ZBA that same evening; one for a use variance to
48 allow the industrial use for the self-storage facility. That was the second item on the agenda; however,
49 the ZBA determined to overturn the Administrative Decision so the other case was moot. The Variance

1 was never acted upon. He stated he is not aware of any other community that classifies self-storage
2 facilities as personal services uses.

3
4 Councilor Boyd commented we are trend setting with personal service. Director Thompson responded,
5 right now, with this being posted as a proposed ordinance we are subject to this requirement until the
6 Council makes a decision, but up until that time, yes we were considering these personal service
7 facilities since December.

8
9 Councilor Koenig questioned whether it was suggested the Council could choose not to accept the
10 proposed changes and undo the action of the ZBA? Director Thompson responded if the Council did
11 not accept the changes, they would be left with the status quo; would continue to consider these to be
12 personal service uses, and they would no longer be permitted in the Industrial District, which would
13 leave the existing facilities as non-conforming uses.

14
15 Councilor Koenig remarked we quite frequently consider that more of an industrial type use. Those in
16 there we don't want to discourage. Director Thompson stated agreement. Councilor Koenig
17 commented it behooves the Council to accept the changes. Director Thompson stated his wholehearted
18 recommendation the Council move forward with the changes to correct what he believes to be an
19 unfortunate decision that he does not know the ZBA really understood the impact of the decision at the
20 time.

21
22 Councilor Dwyer stated a concern with re-writing the playbook after the fact. He added the individual
23 bought/leased the property without the proper business zoning. Councilor Koenig stated the individual
24 applied to the ZBA for a Variance, which was approved. In doing so, it created this issue where existing
25 structures are now non-conforming.

26
27 Director Thompson clarified it was not a Variance that was granted; they appealed the former
28 Administrator's determination that these were classified as a warehouse, and in doing so they have
29 reclassified them as personal service uses. This essentially puts us back to where we were before the
30 ZBA made this decision; that being that self-storage facilities are permitted by right in the Industrial
31 District, and we are actually expanding where self-storage facilities would be permitted by allowing
32 them, by Conditional Use Permit, in the Commercial District as well.

33
34 Councilor Dwyer stated he does not like the uniqueness we find ourselves in that we have now parceled
35 new wording to make something fit, and questioned what is to prevent the owner from using it as a
36 warehouse. Director Thompson stated the decision would have no impact on the Vault Motor Storage
37 site because they are in existence and would be essentially permitted by the approval they received from
38 the ZBA and the Site Plan approval by the Planning Board after the ZBA decision.

39
40 Chairman Harrington noted, prior to the decision they would not have been able to, without a Variance.
41 The discussion at the ZBA was relative to finding a way of allowing them to have it. The unintended
42 consequence is now impacting other businesses in Town.

43
44 Councilor Koenig commented what is important to understand is that this whole impact effectively
45 increases the amount of space that is available for self-storage facilities. But, what this is doing is
46 putting a little bit more in the way of restrictions on what they can put into a commercial area.
47 These types of facilities can go into a commercial area if a Conditional Use Permit is granted, which
48 requires appearing before the Planning Board, which has been very hesitant to just hand out Conditional
49 Use Permits. An applicant would have to make a case for such a permit. The Planning Board would

1 have the opportunity to look at the aesthetics, finances, and all other impacts it could have on abutters,
2 etc. That piece is being added and was not in place previously.

3
4 Councilor Dwyer requested an example of something that would be undesired in a commercial area.
5 Director Thompson remarked a lot of it comes down to aesthetics and screening because a lot of the
6 commercial areas about both residential districts and other lighter commercial districts. The Planning
7 Board's direction to him was that we don't want to see industrial style buildings located along high-
8 value commercial areas of Town that would typically be used by commercial office, retail, etc. What he
9 took from the discussion with the Planning Board was if we want to have highly valuable commercial
10 land utilized by what is typically not a tremendous tax-generating use, there needs to be an extra level of
11 scrutiny before we allow those in those districts.

12
13 Councilor Boyd questioned the impact of someone taking a mobile pod and placing it on their property,
14 regardless of zoning. Director Thompson responded an individual landowner who rents or purchases a
15 mobile storage unit would not be impacted by the Ordinance whatsoever. That is not the intent of a self-
16 storage facility, and the definition of self-storage facility is written in such a way that those would not be
17 included under it.

18
19 Councilor Woods commented "personal use" seems rather broad. He questioned what would prevent
20 another applicant from trying to expand that language. Director Thompson stated the addition of a
21 definition of a self-storage facility essentially eliminates that ZBA decision that these are personal
22 service use. We now have a specific definition of a self-storage facility, which would cover this instead
23 of what was previously considered a warehouse or under the ZBA's interpretation being considered
24 personal service. The personal service use, should the Ordinance be amended, would no longer apply to
25 self-storage facilities. Self-storage facilities would stand on its own with its own definition.

26
27 **MOTION made by Councilor Mahon and seconded by Councilor Boyd to move the Consideration**
28 **of Proposed Zoning Ordinance Amendments to a Public Hearing. MOTION CARRIED 6-0-0**

29
30 **Minutes**

31
32 Approve the minutes from the June 26, 2014 Town Council meeting.

33
34 *The following amendments were offered:*

35
36 Page 16, Line 8; replace the words "Councilor Boyd" with "Councilor Rothhaus"

37 Page 16, Line 40; replace the words "Councilor Body" with "Councilor Boyd"

38
39 **MOTION made by Councilor Mahon and seconded by Councilor Dwyer to approve the minutes**
40 **of the Town Council meeting conducted on June 26, 2014 as amended. MOTION CARRIED 5-0-**

41 **1**

42 *Councilor Woods Abstained*

43
44 **Comments from the Press** - None

45
46 **Comments from the Public**

47
48 Roger Gettel, 1 Veterans Park Drive

1 Stated the visit by the divers last Wednesday was very productive. The effort was a little overdue,
2 greatly needed, and arrived just in time. The Diver Assisted Suction Harvesting, a/k/a/ DASH
3 operations were able to get to all of the marked Milfoil locations, AB Aquatics, Inc. did an excellent job,
4 and as of last Wednesday afternoon all of the known Milfoil locations had been cleared. He commented
5 he would not say that it won't be back. New locations have already started to be marked. He thanked
6 the Council for the approval of the funds, and noted volunteers will be working diligently to find the
7 plants so DASH operations can be productive and their time utilized most effectively when they are on
8 the lake.

9
10 He stated his opinion, it is important that DASH operations begin earlier next year. He stated his
11 understanding State matching funding work on a calendar year/seasonal basis whereas the Town fiscal
12 year runs July through June. He questioned if there were unused diver funding from the current fiscal
13 cycle for this season, and assuming there is new State grant funding for the 2015 season, could the funds
14 be carried over to allow for DASH operations to take place prior to July 1st.

15
16 When asked, Director Thompson stated his recollection the voters had approved a \$25,000 transfer to
17 the fund. Town Manager Cabanel stated that would carry over. She explained the reason a fiscal year
18 situation had come about was the \$25,000 could not be transferred into the fund until July 1st. Providing
19 funds remain, future expenditure requests could be made of the Council at any time.

20
21 Mr. Gettel commented the key to keeping the situation controlled is removal of the plants before they
22 reach the point where they are highly susceptible to disturbance. Constant attention will be required
23 year after year. Chairman Harrington commended the volunteers for their efforts.

24 25 **Comments from the Council**

26
27 Councilor Boyd welcomed Councilor Woods. He echoed the remarks made by the Town Manager
28 regarding the quality of the Eagle Scout project recently completed at Grater Woods. He thanked Scout
29 Parker and his volunteers.

30
31 Vice Chairman Mahon remarked the funding the State has for Milfoil will run out next year. The next
32 budget cycle begins in January, and those funds are an easy target for funding of other projects. He
33 suggested the need to remain in touch with the State Representatives and follow the Legislative calendar
34 and committee hearing schedules. The budget process has begun; however, the actual legislative action
35 won't take place until after the Legislature is convened in January.

36
37 Chairman Harrington suggested contact with Merrimack Representatives who should be able to keep
38 interested individuals up to date on actions, timelines, etc. Town Manager Cabanel commented on
39 reading something in newsprint about the Legislature attaching a certain amount to boating licenses to
40 be set aside for Milfoil. She offered to look into it.

41
42 Councilor Koenig welcomed Councilor Woods and thanked Mr. L'Heureux and Ms. Peterson for
43 coming forward and participating in the process.

44
45 **MOTION made by Councilor Mahon and seconded by Councilor Boyd to adjourn the meeting.**
46 **MOTION CARRIED 6-0-0**

47
48 *The July 17, 2014 meeting of the Town Council was adjourned at 8:14 p.m.*
49 Submitted by Dawn MacMillan